

damage, transportation system disruption, or economic disruption in a particular area, as defined in 46 U.S.C. 70101.

Withdrawal of Initial Determination of Threat Assessment is the document that TSA issues after issuing an Initial Determination of Security Threat, when TSA determines that the applicant does not pose a security threat warranting denial of a hazardous materials endorsement.

§ 1572.5 Scope and standards for hazardous materials endorsement security threat assessment.

(a) This subpart applies to—

(1) State agencies responsible for issuing an HME; and

(2) Applicants who are qualified to hold a commercial driver's license under 49 CFR parts 383 and 384, and are applying for a new, renewal, or transfer HME.

(b) In conducting the security threat assessment requirements in this part, the States and TSA use one or more of the following:

(1) An applicant's fingerprints.

(2) An applicant's name.

(3) Other identifying information.

(c) TSA has determined that an applicant does not pose a security threat warranting denial of an HME if:

(1) The applicant does not have a disqualifying criminal offense described in § 1572.103;

(2) The applicant meets the immigration status requirements described in § 1572.105;

(3) TSA conducts the analyses described in § 1572.107 and determines that the applicant does not pose a security threat; and

(4) The applicant has not been adjudicated as lacking mental capacity or committed to a mental institution, as described in § 1572.109.

(d) TSA may direct a State to revoke an individual's HME immediately if TSA determines during the security threat assessment that the individual poses an immediate threat to transportation security, national security or of terrorism.

(e) The regulations of the Federal Motor Carrier Safety Administration (FMCSA) provide that an applicant is disqualified from operating a commer-

cial motor vehicle for specified periods if he or she has an offense that is listed in the FMCSA rules at 49 CFR 383.51. If records indicate that an applicant has committed an offense that would disqualify the applicant from operating a commercial motor vehicle under 49 CFR 383.51, TSA will not issue a Determination of No Security Threat until the State or the FMCSA determine that the applicant is not disqualified under that section.

§ 1572.7 Waivers of hazardous materials endorsement security threat assessment standards.

(a) An applicant may apply to TSA for a waiver of the standards described in § 1572.5, if the applicant—

(1) Has a disqualifying criminal offense described in paragraphs 1572.103(a)(5) through (a)(9), and paragraph 1572.103 (a)(10) if the underlying criminal offense is in paragraphs 1572.103 (a)(5) through (a)(9); or

(2) Has a disqualifying criminal offense described in § 1572.103(b); or

(3) Has a history of mental incompetence described in § 1572.109.

(b) [Reserved]

§ 1572.9 Applicant information required for a security threat assessment for a hazardous materials endorsement.

(a) For TSA to complete a security threat assessment, an applicant must supply the information required in this section when the applicant applies to obtain or renew a hazardous materials endorsement. When applying to transfer a hazardous materials endorsement, § 1572.13(g) applies.

(b) The application must include the following identifying information:

(1) Legal name, including first, middle, and last; any applicable suffix; and any other name used previously.

(2) Current mailing address and residential address if it differs from the mailing address; and the previous residential address.

(3) Date of birth.

(4) Social security number.

(5) Gender.

(6) Height, weight, hair and eye color.

(7) City, state, and country of birth.

(8) Immigration status and date of naturalization if the applicant is a naturalized citizen of the United States.